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ABSTRACT

A theory of policy implementation, as opposed to policy results, would allow analysts to estimate how government programs would actually work. To help achieve such a theory, a general framework is presented along with testable propositions about the implementation of federal programs. Implementation is defined as including two components: the statutorily required actions must be carried out, and such actions must encompass both formal compliance and the necessary organizational routines. Previous implementation theory was not historically rooted and did not cover all relevant factors. The present propositions use as their framework a typology of federal programs into distributive policies, regulatory policies, and redistributive policies. Twenty propositions are discussed--six each for distributive and regulatory programs and eight for redistributive programs. The propositions touch on the programs' support patterns, bureaucratic requirements, methods of implementation, corruption problems, target populations, goal ambiguity, and internal regulation. The propositions are middle range, bounded within history by contemporary U.S. culture and based on assumptions about American politics. Yet analysts can test them by predicting program consequences or suggesting changes in program strategies or management techniques. (Author/RW)

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THE SEARCH FOR IMPLEMENTATION THEORY

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I wish to thank the following colleagues who were kind enough to read drafts of this paper and give me critical thoughts, not all of which have been heeded:

Eugene Bardach, David Beam, Kenneth Betsalel, James Blumstein, Richard Elmore, George Graham, Robert Hauck, Willis Hawley, Paul Hill, Robert Hudson, Theodore Lowi, Lawrence Mead, Duncan MacRae, Jr., Jerome T. Murphy, Michael Nelson, Robert Nakamura, John Oneal, Randall Ripley, Byron Shafer, Evert Vedung, Benjamin Walter, Richard Weatherley and Aaron Wildavsky.

Policy analysis which lacks theoretical underpinning is incomplete. Theory which is not tested, through applications, remains academic. The premise of this paper is that implementation estimates of how proposed programs might work would be enhanced by empirical theories of policy implementation. It also follows that the effort to apply theoretical insights to analysis is a way to enfuse vitality into the search for theory.

The purpose of the paper is to present a set of testable propositions about the implementation of federal programs. Propositions of this kind would be useful to policy analysts who must make implementation estimates to the degree that the propositions predict how implementation would proceed under varying conditions. The propositions presented here do not form a comprehensive, logically tight theory nor do they encompass all aspects of the phenomenon of implementation. Rather, statements about how American ideology and politics shape implementation processes are presented in a loosely joined framework.

A full theory of implementation may not be possible but one can imagine what it would have to contain to anticipate most implementation situations:

1. Propositions about how the efforts of contending parties to shape and control programs affect their initial design and implementation.

2. Propositions about how the organizational incentives of implementing administrators affect implementation.

3. Propositions about the effect of politics and bureaucracy upon the degree of implementation of programs.

Politics shape the institutional characteristics of programs. For example, categorical and bloc grant programs reflect different national political patterns. But, bureaucratic institutions have independent power of their own

to shape programs and even to create new patterns of politics. So, politics and organization would be both independent and dependent variables in a complete theory.

Any assessment of the degree of implementation requires criteria by which to judge the extent to which it has occurred. The term must first be limited to exclude policy impact. One would like to know whether the air is cleaner as a result of the Clean Air Act but that is a question for evaluation research. Those concerned with implementation ask whether the implementing actions required by law were in fact carried out. But, one cannot stop with verification of the simple facts of compliance or noncompliance. In the first place, the law may be vague or contradictory and it is therefore difficult to know what should be implemented. In the second place, the process of full implementation must proceed beyond compliance to include the incorporation of the required actions into the organizational routines of the implementing agencies.[1]

Both of these uncertainties make it very difficult to use a clear criterion of implementation as a normative standard by which to judge results. The best solution is to treat the question empirically. If a statute states clearly what is to be done, then one asks whether it has been done, remembering that both compliance and incorporation may be important. If the statute is unclear or calls for incompatible actions, then one documents the consequences for implementation and draws the appropriate conclusions.

It is thus possible to compare the implementation of a program with the actions required by law and match the two. But, one remaining difficulty is that programs change historically. What boundaries of time are to be set for the assessment of the degree of implementation? This is a particular obstacle

to the comparison of programs in regard to their implementation. Does one compare only "mature" programs and what are the criteria for maturity? The author's answer is practical rather than theoretical. It makes sense to compare programs which have been enacted in approximately the same historical period, e.g., the social programs of the Great Society. The underlying politics may have similarities and the programs may exhibit common developmental dynamics. But, for one or several programs, the observer must finally make a judgment that the program has fulfilled the normative goals provided by its existing structure. This does not preclude its restructuring and transformation but then it becomes a new program.

The working definition of implementation as an end result employed in this paper therefore includes two components:

1. The actions required by law are carried out.

2. Those actions encompass both formal compliance with the law and organizational routines consistent with compliance.

Policy Analysis and Political Theory

The teaching of policy analysis in graduate schools of public policy about how to make "implementation estimates" has been based on prudential rather than theoretical knowledge.

The two best examples of very intelligent, prudential analysis are the classic Massachusetts Medical Case by Graham Allison and the comprehensive framework of implementation problems to be flagged in advance by Gordon Chase.[2] The Massachusetts Medical Case is a critique of economic cost-benefit analysis

which fails to ask about the institutional and political feasibility of carrying out the alternatives analyzed. The policy analyst is asked to complement economic analysis by making an "implementation estimate" of feasibility. For example, if Massachusetts were to decentralize the two clinical years of medical education to four regional medical school teaching hospitals, what problems of uniformity and control of curriculum would result? One might conclude that it could be done or that the difficulties would overwhelm the attempt. Considerable factual knowledge about doctors, hospitals and medical education is required for such analysis. But, it would also be nice if one had a theory of bureaucratic coordination which could be added to our specific knowledge. In the absence of such a theory, and I know of none, the analyst must live by his wits and his concrete knowledge.

Much writing about implementation, and perhaps actual analysis, is guided by the implicit general theories about institutions which social scientists share. We know it is difficult for co-equal organizations to coordinate mutual business. But, few of us can summon up propositions about the conditions under which such coordination works or fails and then apply the propositions to cases.

Gordon Chase's article identifies a number of obstacles to implementation and ways around them which cry for theoretical elaboration through research. For example, writing about the New York City methadone program, he concludes that one way to design programs to reduce the number of veto points is for government to contract out to a private organization.[3] He cites both advantages and disadvantages of such a strategy, presumably based upon his experience, but such a balance sheet is not quite a theory.

A few political scientists have attempted to develop theoretical propositions about implementation which could enrich prudential policy analysis and strengthen implementation efforts. One might characterize the efforts to develop such theory as very broad, on the one hand, and quite focused and specific, on the other. As an example of broad theory, Sabatier and Mazmanian sum up what has been learned about the conditions under which implementation of Federal programs is achieved with such propositions as the following:

"1. The enabling legislation mandates clear and consistent policy objectives.

2. The enabling legislation incorporates a sound causal theory giving implementing officials sufficient jurisdiction to attain, at least potentially, the desired goals...

3. The leaders of the implementing agency possess substantial managerial and political skill and are committed to statutory goals."[4]

These are the best propositions we have but they are not rooted in historical context and give us no sense of the historical possibilities. Propositions of this kind are often adduced from the study of implementation failure rather than success. One discovers flaws and then imputes the opposite as a basis for success. Such ideal conditions are seldom fully present in concrete historical situations. If they are not present, what is the analyst to do?

It could be argued that I misstate the problem. In fact, there is plenty of theory around to be applied to cases. One could cite organization theory in general or, more specifically, the rich literature of public administration. However, very little of this work deals with the contemporary problems of policy implementation which preoccupy political scientists and analysts. This

is what Pressman and Wildavsky meant when they wrote in 1973 that they could find no literature on policy implementation.[5]

The more focused kind of theory has been developed from the analysis of classes of contemporary implementation problems. It addresses problems which are often not faced in the older public administration literature. For example, Paul Hill has developed the idea that the successful implementation of Title I of the Elementary and Secondary Education Act has depended upon the development of informal regulatory strategies to supplement the formal federal role. He cites the creation of networks of state and local officials, whose careers depend upon Title I, as an example. He is able to link his list of informal strategies to other literature on regulation in an insightful way.[6] At this point one asks - what is the relationship of compliance by school systems with Title I requirements and effective teaching of disadvantaged students in schools? There is a literature on compliance and a literature on delivery of services within bureaucracies, including schools, but the two literatures have not been joined in research. These are the kinds of gaps in implementation theory that focused research can fill.

A Middle Range Theory

This paper develops a third approach to theory which stands between the very general and the very specific. The unit of analysis is classes of programs. The intention is to set contexts and conditions with greater specificity than generalizations which embrace all policy and also group the kinds of insights developed by Hill into an understanding of classes of problems. Such an approach to theory requires a typology.

The assumption beneath the development of the typology is that processes of implementation will vary according to the character of the policy being implemented. It is assumed that it is possible to classify types of policies

so that the categories can be used as a basis for predicting the implementation processes within each category. A good typology would not include such processes within the definitions that form the classification scheme. Rather, the definitions would be used to predict processes.

The language of the statute itself is the basis for the classification of a program within the typology. Statutory language is the most reliable guide to the intent of a program even if it is ambiguous or internally contradictory. This language is thus the best benchmark for assessment of the actual degree of implementation. The behavior associated with programs within the typology is not part of the definition of types. Of course, the typology itself is a result of insights about implementation which preceded and shaped its creation.

The plausibility of using a typology as a point of departure follows from the idea that different kinds of policy issues will evoke different sets of participants and levels of intensity according to the stakes presented by the issue. A piece of "pork barrel" legislation which appears to benefit all congressional districts and harms none will stir much less interest than a measure intended for the benefit of one region or social group.

The value of any typology is its capacity to capture the reality of American government and enhance prediction. A good typology permits one to group discrete policy areas, such as agriculture and environmental issues, according to cross-cutting categories so that generalizations about processes common to more than one issue area can be formulated. One cannot extract theory from discrete description.

It is also important for the typology to capture the fact that policy is a seamless web in which policy formation processes influence implementation and the administration of policies shapes their alteration and affects new policy. Policy formation and administration cannot be divorced but that does not mean that they are the same thing.

The classification scheme to be used here is that developed by Theodore Lowi, who characterized policies as either distributive, regulatory or redistributive.[7] The distinctions are among degrees and types of coercion by government. The basis for classification is in the language of the statutes by which the policy is formulated.

1. Distributive policies are those in which no rule guiding government is formulated beyond the authorization of a process or declaring of a privilege. Great discretion for implementation is left to government authorities.

Public works programs and government supported research activities fall within this category. The National Defense Education Act of 1958 is an example because funds were made available to schools and universities for the furtherance of general objectives at the discretion of government administrators.

Distributive policies are characterized in the literature as non-zero sum in the sense that there appear to be only winners and no losers. Everybody who counts gets something.[8] This point is made only for illustration because the politics of policy type follow from the definition rather than precede it. However, the initial definition is based upon the insight that a non-zero sum situation, in which "distributive" political goals are met, is one which requires many tacit understandings and few rules.

2. Regulatory policies are those in which the statute embodies rules of conduct with sanctions for failure to comply. We distinguish two kinds of regulatory policies:

a. Those which seek "public goods," such as the Clean Air Act.

b. Those which protect specific populations, like the 1964 Civil Rights Act.

In both cases, central government is ordering citizens, producers and other governments to respond positively to specific rules, although latitude in modes of compliance and enforcement may be granted.

3. Redistributive laws stipulate categories of citizens who are to receive special treatment according to specific rules.

It is assumed in the literature that redistributive policies are intended to change allocations of wealth or power in favor of some social groups at the expense of others with clear implications about the winners and losers. Such measures can benefit the wealthy, as do many subsidies to corporations, or they can be intended as redressment for injustice to the poor or minorities. They may also create broad entitlements such as old age pensions.

Redistributive programs may have a greater or lesser distributive component. By this, we mean two things. The introduction of a distributive principle greatly broadens the beneficiaries and also relaxes the stringency of the rules governing the policy. Policy purposes become both more general and more vague. In contrast, pure redistributive policies are governed by specificity and rules.

In social policy, there are two categories of redistributive programs: those which serve goals of "human development" and those which seek material "welfare." Education programs are in the first group and health and income security policies are in the second.

These distinctions are illustrated by the following:

Medicare (high distributive component - welfare)

Medicaid (low distributive component - welfare)

Title I, Elementary and Secondary Education Act (high distributive component - human development)

The Head Start Program (low distributive component - human development)

These illustrations are clarifications and additions to the original definition.

Redistributive policies often have regulatory components as a means to ensure compliance with redistributive goals. It is possible that the strength of regulatory provisions varies inversely with the degree of distributive dimension in a redistributive policy.

Propositions

The hypotheses which follow are limited in at least two ways. First, they are primarily derived from comparisons of programs which were enacted into law in the 1960s and 1970s. These programs are manifestations of certain characteristics of American politics during this period which are not stated in the propositions. The character of that historical context will be considered in the conclusion to the paper. Second, the hypotheses emphasize politics as the prime factor influencing implementation and understate the importance of organization. When organization is considered, it is as a dependent variable which reflects political factors. This is an incomplete formulation for a full theory of implementation but one must begin.

Distributive Policy

1. Distributive policies are characterized by a fragmented demand pattern and a fragmented decision pattern.[9]

    a. The fragmentation reflects an "invisible hand" in which resources are allocated without overt political conflict.

b. This lack of conflict, which characterizes the policy formation process, carries over into the administration of programs. The political bargains which were necessary to achieve policy agreement among many parties are adhered to throughout implementation.

2. Distributive programs are characterized by a congruence of bureaucratic incentives throughout the intergovernmental system.

Each level of the implementing bureaucracy shares the goals of the level above. The tacit agreements which guided legislative passage operate within bureaucratic spheres in the guise of administrative discretion.

3. Distributive policies are characterized by agreement on the appropriateness and efficacy of the "technology" required to implement programs.

This certainty gives distributive programs an air of predictability which reinforces the tacit bargains which permeate them.

4. The presence of political and bureaucratic agreement on goals and the existence of appropriate technology create a very high probability that distributive programs will be implemented in accordance with statutory language.

5. Distributive programs are not characterized by systematic search for evidence about outcomes or impact.

Success in creating distributive outputs is an obstacle to the analysis of the larger effectiveness of policy. Because of the great political and bureaucratic agreement on the value of policy outputs for political and bureaucratic incentives there is minimal demand for mechanisms for assessing effectiveness. The organized constituencies which seek and support distributive policies focus on outputs rather than long run objectives.

6. The chief cause of implementation failure in distributive programs is corruption.

Corruption has local roots and is not usually depicted as a national problem unless it is very widespread. The implementation problem comes in two forms. Either funds are so directed to private purposes that public goals are disregarded, or the controversy over corruption kills the program. But, corruption is usually localized. National policies are brought into question only if corruption appears to be endemic in the program.

The Interstate Highway Act created the classic distributive program. The benefits were guaranteed to all states. Each level of the implementing bureaucracy knew what was expected of it and all shared common administrative and engineering technologies. Almost no emphasis was given to the long-run impact of the program upon society but the immediate benefits were clear and widely accepted.

The National Defense Education Act of 1958 was much the same in the area of social policy. The federal government developed efficient mechanisms to pass funds to states and local school districts with maximum discretion and minimal requirements. The funds were used to support new curricular programs with obvious financial and educational benefits to school systems. Whether the NDEA had a salutory effect on American education and society in the long run is a moot question.

Regulatory Policy

1. Regulatory programs are characterized by active support by organized groups, tacit support from diffuse publics and opposition by the regulated.

   a. The support of most legislators for such measures is greater for the initial enactment than it is for subsequent implementation. Their political incentives are served by actions in the short term.

b. If diffuse public support continues to be strong, regulatory policy will possess the legitimacy necessary for the imposition of rules upon the regulated.

c. If diffuse public support weakens the political difficulties of implementing policy increase and regulators find that they must compromise with the regulated, policy is often diluted, without change in law, as a result.[10]

2. Unresolved disputes about the strength and scope of regulation are passed by legislatures to bureaucracies.

3. Bureaucracies develop two alternative strategies in coping with unresolved disputes about the strength and scope of regulation.

a. They seek to mobilize support for regulation by stimulating organized groups to demand regulation.

b. They bargain with the regulated and dilute the law.

c. The strategy chosen is as much a function of the character and composition of regulatory agencies as it is of the balance of external political forces.

4. The successful implementation of regulatory programs requires agreement upon an implementable "technology."

a. In the absence of such agreement, regulatory rules, and the statutes from which they are derived, are subject to legal challenge.

b. A legal counter force to such challenges is provided by adherents of the policies who appeal in terms of the rhetorical objectives of the law.

c. Bureaucracies tacitly pass conflicts between technological uncertainties and rhetorical objectives to the courts which thereby become agencies of implementation.

5. Compliance with regulatory rules by the regulated is a function of:

a. a clear statute and regulations,

b. a political environment supportive of regulation,

c. agreement on technology,

d. the organizational capacity to act on the part of the regulated.

6. Regulation which requires extraordinary organizational change in the regulated will fail if formal rules are not sufficient to induce such change.

a. The implementation of regulatory rules requires the search for informal strategies which will induce change in the regulated organizations.

One could compare different kinds of regulatory policies across a continuum of relative degree of performance in regard to implementation. In each case outcomes would be explained by the combination of political and organizational factors at work. Thus, if we begin with a high performance case and work toward the other end of the continuum:

1. The 1965 Voting Rights Law illustrates the capacity of the federal government to enforce basic constitutional provisions. President Johnson had used public, rhetorical persuasions, coupled with dramatic events in Selma, Alabama to persuade Congress and the public that the right of black southerners to vote should not be impeded. The technology was very simple. If the voting registrars in seven southern states did not register black citizens to vote, they were replaced by federal registrars. Complex organizational change was not required.

2. The implementation of the provisions of the 1964 Civil Rights Act denied federal funds to segregated school districts. The law lacked teeth until the passage of the Elementary and Secondary Education Act of 1965 which provided funds which were badly needed by southern school districts. The subsequent history of the joining of the levers of these two statutes in behalf of desegregation is complex and unfinished, and illustrates the kinds of partial victories which characterize federal regulation in a volatile political setting.[11]

3. Environmental policy is a search for "public goods" which, in the creative burst of the formative years, met the political needs of Congress and the President for popular symbolic action and had the support of diffuse publics stimulated by intense activity by advocates. The amendments to the Clean Air Act, which placed the burden of proof on the automobile industry to reduce auto exhaust emissions despite the absence of an effective technology, precipitated the administrative dilemmas of regulation in which the responsible agency, the Environmental Portection Agency, had to choose between moderated enforcement in accordance with technological uncertainties or strong demands on the industry in order to keep credibility with its strong constituency of environmental groups.[12] The decision to deny requests for delay in compliance achieved the latter objective but also brought the courts into the situation and was ineffective in resolving the technological difficulties. This is a familiar story in the implementation of environmental laws. An atmosphere of favorable political support is necessary but not sufficient in the face of other obstacles to implementation.

4. Certain regulatory social programs are characterized by what James Q. Wilson calls "client politics."[13] These are programs in which the benefits are concentrated and the costs are widely distributed. A well-organized group prevails in securing government protection and others have little

incentive to organize in opposition, if they even know of the policy. Wilson does not apply the concept to social policy but uses it to characterize a "producer dominance" model through which industries and occupations enjoy subsidies and protective regulations. However, it can easily be applied to social policy, particularly if one adds a dash of another Wilson concept, "entrepreneurial politics."[14] In this case, action is initiated by politician entrepreneurs who tap latent public sentiments for actions supported by widely shared values. The passage of one law prepares the way for subsequent extensions of the principle. Client politics in behalf of social regulation is legislation passed in the wake of more general measures, through entrepreneurial politics, which establishes the general principle. The overwhelming legitimacy of the general principle is one reason that opposition groups do not form.

Peter Schuck describes the ingredients which were present in the passage of the Age Discrimination Act of 1975:

"It promised benefits to a visible, politically influential group that all Americans hoped someday to join; its sponsors argued that it could confer these benefits at no additional cost; its redistributional implications were not clear, or at least not noticed; and it was a small and inconspicuous part of a large omnibus bill that both Congress and the Administration supported. Perhaps most important, it drew strength from the moral legitimacy and rhetorical force of the 1960s and early 1970s...."[15]

Schuck analyzes the ambiguities and contradictions in the ADA which were buried in legislative rhetoric. For example, the definition of "age discrimination," which was to be outlawed, was so broad as to be useless, i.e., "any act or failure to act, or any law or policy that adversely affects an individual on the basis of age."[16] There were no boundaries and the goal was not

reconciled with other social goals which might mandate the priority of values other than age. Possible conflicts between different age groups were not considered. For example, if a Community Mental Health Center devotes more resources to young than to old people because money is limited and therapeutic prospects are better with the young, is this age discrimination?

Such hard questions cannot be avoided with the result that agencies do not change their rhetoric but make selective compromises with enforcement. One reason is limited resources for inspection and litigation. But an even more compelling reason is the inability of government to force private institutions to accept policies which are very expensive or require great organizational change even if the regulated subscribe to the principles underlying regulation.[17]

The result is that many regulations are never fully enforced. But, this is never admitted because civil rights cannot be compromised.

Redistributive Policy

This section will deal only with policy which redistributes resources and power in the class structure through social policies. Economic subsidies to industries are excluded.

1. There are two kinds of redistributive social programs:
   a. Those with a strong distributive component, i.e., middle class as well as lower class recipients.
   b. Those which serve strictly lower class recipients.

Each category contains two kinds of policies: a) human development, and b) maintenance of welfare. Educational programs are in the first and health and income security policies are primarily in the second category.

2. Redistributive programs with a high distributive component have greater political legitimacy during implementation than those with a low distributive component. These differences are legacies of the politics of legislative passage.

Policies with both distributive and redistributive components appeal to a wide population and do not suffer from the taint of "welfare" programs as do those which are solely redistributive.

3. The implementation of redistributive programs with a high distributive component reveals an ambiguity about program goals. The ambiguity is whether the program is to serve primarily distributive or redistributive purposes.

Title I of the Elementary and Secondary Education Act exhibited such ambiguity as school administrators sought to distribute Title I funds to as many school districts as possible. However, more recently redistributive values have been affirmed in federal implementation of the law.[18]

The enforcement of redistributive values in such mixed programs entails a strong regulatory component which presents implementation problems of its own. Administrative methods to ensure compliance with redistributive goals must be contrived. Such strategies will succeed depending upon the general degree of political support for them. If that support weakens, then they are diluted in practice. One thus finds the politics of regulative protection encapsulated within some redistributive programs.

4. Redistributive programs with a low distributive component have more severe implementation problems than those with a high distributive component. The recipient population is more suspect. Government imposes rules to keep the recipient population confined to the eligible. Such programs suffer from insufficent funding because of low legitimacy and cumbersome bureaucracy which alienates recipients and stifles the discretion of those who deliver services.

The contrast of Medicare and Medicaid is useful here. The former serves all social classes and therefore, while redistributive to the elderly, is distributive to all in that category. The great legitimacy which ensues simplifies the implementation of Medicare. The existing Social Security old age pension, which possesses legitimacy and administrative simplicity, is an appropriate administrative vehicle for Medicare. Medicaid serves the poor, a more suspect group, and not even all of them. Medicare patients need only have attained a given age. Medicaid patients must undergo an income test with all the attendant administrative problems. The regulatory apparatus required by Medicaid is far more complex than for Medicare. The latter has not been successful as a regulatory restraint on costs but that is not the purpose of the distributive principle.[19]

5. Redistributive programs directed solely to lower class recipients have greater legitimacy if the programs have a human development component than if they have a welfare content. This is because human development matches the American ethic of equality of opportunity better than does the idea of welfare. The implementation problems of such human development programs are less severe than those of comparable welfare programs.

We have illustrated the welfare case with Medicaid. The Head Start program is an example of the human development case. Head Start serves the children of disadvantaged families. The goal is to enhance educational opportunity. There has been less political conflict than in Medicaid and greater ease of administration.

6. Redistributive programs are in continuous movement toward either distributive or regulatory goals.

There is continuous pressure to increase the distributive character of programs with a balanced distributive-redistributive character. An increased

distributive emphasis gives greater political legitimacy and better reflects the politics of American pluralism and federalism. The politics of implementation of such programs is fought out in policy and administrative decisions about who shall be served or not served.

Should the redistributive forces prevail in such a struggle then the regulatory battle begins. The implementation problems which attend such regulation have already been described.

The Comprehensive Employment and Training Act and Title XX of the Social Security Act are two programs which are presently evenly balanced according to distributive and redistributive goals with predictable results for implementation.[20] Social purposes and implementation strategies and problems are intertwined.

These two programs had their inception in earlier programs for the poor but their most recent statutory form widened their reach to greater ranges of the population who might benefit from employment training and social services without excluding the poor. The decentralized structures of the programs have served the political incentives of local elected officials to provide services for more voters than just the poor. Whether one judges this to be an implementation problem depends upon whether one believes the programs to have distributive or redistributive purposes. They succeed very well in the former guise and less well in the latter.

An impetus to push the programs in redistributive directions would require a stronger, more authoritative federal regulatory role. We have already discussed the implementation problems which follow from this course. However, they would probably differ in these two programs in that employment training, as a human development goal, has greater political legitimacy than social services tied to welfare principles.

Both CETA and Title XX have been administered in a way to give them broad legitimacy as distributive programs without abandoning redistributive goals. This appears to have been the intent of the legislation. As a result, the implementation process has been loose, relaxed and decentralized with a minimum of regulation. One would exclude the public employment elements of CETA which have involved charges of corruption.[21]

Title I of ESEA could have gone in the same direction. Certainly many of its adherents, in Congress and the school systems, attempted to write the allocation formulae so that as many children in as many schools as possible would be covered.[22] However, the momentum of the civil rights movement and corresponding legal and political pressures appear to have strengthened both the regulatory and the redistributive character of the implementation of Title I so that federal funds have been primarily targeted on schools with large concentrations of disadvantaged students.[23]

There is a trade-off in implementation between distributive smoothness and the effort to reach redistributive goals. The former may sacrifice evaluation of outcomes for distributive principles. The latter requires a stronger regulatory component with corresponding political support in order to achieve implementation.

7. Regulatory redistributive programs which combine goals of equity and service delivery are the most difficult redistributive programs to implement.

   a. Formal regulatory strategies designed to secure compliance by local providers with policy goals are insufficient. They must be supplemented by the development of informal strategies which can activate formal approaches. Paul Hill has developed a theory of the relation between formal and informal

strategies of regulation in regard to the implementation of Title I, ESEA. Informal strategies consist of the development of networks of state and local education officials whose careers depend upon the continuance of Title I, the federal use of non-fiscal sanctions such as public audits, and national program evaluations which may stimulate parents and advocates to mount local watchdog efforts.[24]

According to Hill, formal regulations will not suffice because Congress will not permit federal agencies to withhold funds for noncompliance. In addition, the objectives of Title I, as stated in regulations, are only an invocation of principles. Nothing is added about how to achieve them. And finally, federal knowledge of local school systems is inherently limited so that the state of compliance in general cannot be known.

Formal regulations are levers to be invoked by informal strategies. The key to success is to strengthen local incentives to comply.

However, redistributive programs that require a strong, authoritative federal enforcement role reveal that the search for compliance is a necessary but not sufficient condition for the actual implementation of programs.

b. Federal regulations that require services or benefits to be delivered to disadvantaged groups are not implemented and incorporated by the organization that is to deliver the services without "mutual adaptation" between federal directives and local organizational goals and routines.[25]

> Federal regulations that are imposed from the top down in a uniform fashion across many jurisdictions will be blunted by the variety of requirements for "mutual adaptation" in local settings.
>
> Federal implementation strategies that are directed toward influencing the local practices necessary for "mutual adaptation," implementation and incorporation are more likely to be effective in achieving implementation than top-down strategies.[26]
>
> The power to implement or erode is at the grass roots among those who deliver services. Federal and state officials can create supportive or inhibiting resources and constraints on positive initiatives at the grass roots, but they can do little directly to create implementation.

The foregoing propositions attempt to bring together two bodies of literature which have seldom been joined in actual research.

Research on compliance with court or bureaucratic directives cuts off at the point of formal compliance of the regulated institution and does not ask whether compliance is incorporated into routines for the delivery of services.[27] Research on the search for effective modes of service delivery within organizations focuses upon internally generated sources of innovation and does not ask about possible links of such change to external stimuli or mandates.[28]

We need theory which can join the two. A study which the author has recently completed of the implementation of the Education for All Handicapped Children Act of 1975, may provide illustrations of fruitful ways to join

regulation and service delivery in ways described in only general fashion in the foregoing propositions.[29]

8. A strong emphasis in a regulatory redistributive program upon compliance may be antithetical to effective delivery of services.

Attention to uniform compliance with federal rules by a large number of organizations is not a strategy which permits differentiated treatment of such organizations by the federal government in terms of their varying capacities to deliver services. There is a tendency for complying organizations to move toward a mean of pro forma compliance. The deficient improve and the effective may regress. But in neither case is the question of quality of services faced.

P. L. 94-142, The Education for All Handicapped Children Act, was inspired by the belief among special educators that the "labeling" of mentally handicapped children had become harmful to their development. Labeling by category, such as learning disability (LD) or educable mentally retarded (EMR) was said to be substituted for diagnosis and treatment according to individual needs. It was charged by critics that such categories served political and bureaucratic purposes. Advocates were organized to press for funds and services by categories. Training and placement of special education teachers was by category.

The prescription of 94-142 was to mandate that each child have an individualized education plan (IEP) which would replace the old categories. It was assumed that schools and teachers would and could make the necessary adaptations by de-bureaucratizing. Individual needs would take precedence over labels.

The actual effect in many places may have been to increase bureaucracy and reduce individuation. The de-emphasis on labeling has not necessarily increased individuation. Rather, IEPs are prepared as part of the bureaucratic requirement to process all children. The IEP is not necessarily used as a device for improved educational treatment.[30]

If these have been the unintended effects of the law, they have been caused by naivete about bureaucracy. It was assumed by reformers that school systems and schools could de-bureaucratize for greater attention to individual needs. In fact, the response to bureaucratically administered regulations which prescribe uniformity has been itself bureaucratic. Compliance may crowd out concern with effectiveness.

In a recent paper, Mark Yudoff develops these ideas more fully with respect to the strategies of the courts in ordering and fostering racial desegregation of schools.[31] The big steps in bringing school systems into compliance with federal law came after the passage of the Civil Rights Act of 1964 when the courts were aided by the Office of Civil Rights and the Department of Justice in bringing potential sanctions to bear on recalcitrant systems. However, such firm and direct approaches to compliance have been of limited value to courts, and federal agencies, in the "second generation" of problems such as tracking, discipline and policies about teacher location and tenure. The courts have therefore resorted to strategies of "organizational development" in which direct coercion was replaced by efforts to obtain the cooperation of local judges and attorneys, advocate groups and school administration.

The general point is that a theory of implementation for such different cases and strategies which follow from it must embrace the perspectives of both compliance and implementation.

Assumptions about American Politics

This cumulative combination of insights reflects an understanding of American politics of the 1960s and 1970s. All middle range propositions, which are necessarily bounded by time and culture, rest on such invisible foundations. The propositions are manifestations of unstated regularities of culture, politics and government in a given society during a certain historical period. The following assumptions guide the propositions in this paper:

1. The United States has a "liberal" political culture as described by Louis Hartz.[32] Neither classical European conservatism nor socialism have taken root. Rather there is a tension between acquisitive and egalitarian values with a consensus on equality of opportunity rather than condition.[33]

This fact helps explain the weak legitimacy accorded welfare policy and the greater support for policies of human development by the Great Society.

2. The political incentives of American congressional politicians strengthen distributive policies at the expense of redistributive policies with a consequent lessening of concern for effectiveness.

This proposition helps explain why so many of the seemingly redistributive social programs of recent years were, in fact, distributive in both latent intent and actual effect.

3. The political incentives of congressional politicians cause an emphasis on symbolic expression of principles of equity in regulatory policy with little thought given to implementation.

This hypothesis helps explain why so much regulatory legislation in recent years appears to have been designed to win immediate support from mobilized constituencies. Members of Congress seek political credit for highly visible

acts in the short term. By the time long-term problems of implementation emerge, they have moved on to new issues.[34]

4. The difficulty of implementing social programs in a continental, federal system causes government administrators to present the form and symbolic appeal of policy as the reality and separate forms from the search for effectiveness.

We thus see an irony. Much of public bureaucracy is increasingly insulated from technical rationality and increasingly controlled by the search for invulnerability by de facto bureaucratic monopolies.[35]

Policy Analysis and Theory

The opportunities for policy analysis to influence policy are bounded by the prevailing structure of politics. One need not despair for implementation analysis but must recognize that it becomes sterile and technocratic when practiced apart from the political context. A new majoritarian politics of redistributive cast, whether of the ideological right or left, would change all of the foregoing and present analyses with unforeseen possibilities. But assuming there are no such fundamental changes in the structure of politics, what opportunities exist for implementation analysis which draw on the propositions presented? Let me suggest a few possibilities.

1. Analysts can predict the consequences of proposed program characteristics and structures and ask policymakers if that is what they really intend. Would congressional entrepreneurs reconsider the regulatory legislation they write if they could foresee the actual consequences?

2. Analysts can suggest strategies that might enhance policy effectiveness, e.g., explicit boundaries and specifications of priorities and goals in regulatory legislation. Of course, such ideas must match the grain of politics.

3. Analysts can suggest attributes of program management that administrators might consider as means of enhancing implementation.

Two examples which we have discussed are the development of informal regulatory strategies and the search for methods by which the federal government might strengthen local institutional capacities to deliver services. Analysts may be able to glean useful ideas from the research literature.

4. Analysts can lay out the trade-offs in efforts to make redistributive programs more palatable politically by adding a distributive dimension, e.g., CETA and other bloc grant programs achieve certain broad political objectives, but at what price to help for the most disadvantaged?

The framework and propositions presented in this paper may be helpful to policy analysts and program managers because specific decisions can be illuminated by the larger context. But, the paper is perhaps more suggestive as an illustration of how the search for theory properly unites research and policy analysis.

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